

agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; [or]

(iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to an ethics complaint, [~~provided that~~] if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint[.]"; or

(iv) for the Data Security Management Council created in Section 63A-16-701, the closed meeting is convened ~~H→~~ [for the purpose of conducting business described in Subsection 63A-16-701(5)] in accordance with Subsection 63A-16-701(7) ←H, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to information technology security."

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.

(3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.

(b) (i) A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting and return to an open meeting.

(ii) A motion to end the closed portion of a meeting may be approved by a majority of the public body members present at the meeting.

(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(a) the reason or reasons for holding the closed meeting;

(b) the location where the closed meeting will be held; and

(c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.

(5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Section 4. Section **63A-1-105.5** is amended to read:

63A-1-105.5. Rulemaking authority of executive director.

The executive director [~~shall~~] may, upon the recommendation of the appropriate

- 1609 (b) assess ongoing risks to state government information technology;
 1610 (c) create a method to notify state and local government entities of new risks;
 1611 (d) coordinate data breach simulation exercises with state and local government
 1612 entities; and
 1613 (e) develop data security best practice recommendations for state government that
 1614 include recommendations regarding:
 1615 (i) hiring and training a chief information security officer for each government entity;
 1616 (ii) continuous risk monitoring;
 1617 (iii) password management;
 1618 (iv) using the latest technology to identify and respond to vulnerabilities;
 1619 (v) protecting data in new and old systems; and
 1620 (vi) best procurement practices.

1621 (6) A member who is not a member of the Legislature may not receive compensation
 1622 or benefits for the member's service but may receive per diem and travel expenses as provided
 1623 in:

- 1624 (a) Section 63A-3-106;
 1625 (b) Section 63A-3-107; and
 1626 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1627 (7) The Data Security Management Council may, in accordance with Section
 1628 52-4-204, close to the public a meeting to discuss an item described in Subsection (5) ~~if~~ → if public
 1628a discussion of the item would result in disclosure of information that would reasonably be
 1628b expected to jeopardize the data security of a state or local government entity ← ~~if~~ .

1629 Section 38. Section **63A-16-702** is amended to read:

1630 **63A-16-702. Data Security Management Council -- Report to Legislature --**
 1631 **Recommendations.**

1632 (1) The council chair or the council chair's designee shall report annually no later than
 1633 October 1 of each year to the [~~Public Utilities, Energy, and Technology~~] Government
 1634 Operations Interim Committee.

1635 (2) The council's annual report shall contain:

- 1636 (a) a summary of topics the council studied during the year;
 1637 (b) best practice recommendations for state government; and
 1638 (c) recommendations for implementing the council's best practice recommendations.

1639 Section 39. Section **63A-16-804** is amended to read: